UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,478	04/06/2005	Koji Hirose	P27691	4983

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EXAMINER
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ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)
Office Action Summary	10/530,478	HIROSE ET AL.
	Examiner	Art Unit	
	/NABIL H. SYED/	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 May 2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _11-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _11-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The following is a final office action in response to the amendments filed 5/26/09.

Amendments received on 5/26/09 have been entered. As per applicant claims 19 and

20 are newly added claims. Accordingly claims 11-20 are pending.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and
> of the manner and process of making and using it, in such full, clear,
> concise, and exact terms as to enable any person skilled in the art to
> which it pertains, or with which it is most nearly connected, to make and
> use the same and shall set forth the best mode contemplated by the inventor
> of carrying out his invention.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly
> pointing out and distinctly claiming the subject matter which the applicant
> regards as his invention.

4.   Claims 11-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

        As of claims 11 and 15, the newly added limitation, "an address storage …which

sends the current changeable address through the network at constant **uninterrupted**

time intervals" and "a first communication interface operable to transmit, through the

network at constant **uninterrupted** time intervals to the remotely controlled device..." is

not disclosed in the specification. The applicant did not point out and the Examiner was

not able to find the newly added limitation.

As of claims 12-14 and 16-20, claims 12-14 and 16-20 dependent on claims 11

and 15 respectively and inherent the same deficiencies.

5.   Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

The newly added limitation "**uninterrupted** time intervals" renders the claim

indefinite. Through out the specification (see page 11, lines 25 through page 12, lines

9), the term "predetermined timing" is used, to explain when the remote controller and

the device communicate with each other. So for the purpose of examination the

Examiner is interpreting the term "uninterrupted" as --predetermined timing--.

As of claims 12-14 and 16-20, claims 12-14 and 16-20 dependent on claims 11

and 15 respectively and inherent the same deficiencies.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically

disclosed or described as set forth in section 102 of this title, if the

differences between the subject matter sought to be patented and the prior

art are such that the subject matter as a whole would have been obvious at

the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

7.   Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Graziano et al. (US Pub 2002/0111698) in view of Nishi (US Pub 2002/0055977) and

further in view of Kim (US Pub 2004/0006647).

As of claims 11 and 15, Graziano discloses a remote controller (via Web-Based

Host 70; see fig. 1) and a method of controlling an operation of a device through a

network (via a we-based system for monitoring and/or controlling home devices; see

abstract) which enables a terminal device (via remote device 10; see fig. 1) to control an

operation of a device through a network (via using network 50, to control the Home 30;

see fig. 1), the remote controller comprising:

an address storage (via Web-based host 70, comprising a memory 74 and a database

75; see fig. 6) operable to acquire a current address of the remotely controlled device

on the network by communicating with the remotely-controlled device through the

network, (via storing the each unique address of the home device in the Web-based

host 70; Note: Graziano also discloses that the Web-based host 70 can communicated

with the home devices and log the data/information in a database (see paragraph

[0038]; also see fig. 6). The Web-based host 70 connects with the home devices

through home attendant 31, which is a controller inside the home to receive the signals

from the Web-based host 70 to control the home devices. Graziano further discloses

that the home attendant can be incorporated inside the device so device can directly

communicate with the Web-bases host 70; see paragraph [0048], lines 8-11);

a first communication interface (via Web-based host 70 comprising control panel

program 76 that include multiple applications, so the Web-based host can communicate

with the home 30 via network 50; see paragraph [0057], lines 1-8) operable to transmit,

through the network at constant time to the remotely-controlled device based on the

address, a status notification request, and operable to receive, from the remotely-

controlled device in response to the status notification request, status information

indicating a status of the remotely controlled device(Graziano discloses this feature with

the example of a temperature controller. For example, the user, using the remote device

can send a signal to the web-based host 70 requesting the current temperature of the

thermostat via the network 50, web-based host 70 will transmit the signal to the home

30 via the network 50, the home attendant 31 or the device if the home attendant is

incorporated within the device will transmit the current temperature via the network 50,

to the web-based host, and web-based host will transmit the signal back to the remote

device; see paragraph [0080], Graziano further discloses that at the time of generating

account user provides home configuration information to generate customized

description of their home, and home configuration information includes behavioral

setting which monitors the status of the home devices (remotely controlled device)

according to user preference (e.g., day time state, evening state and night state) so web

based host system will transmit these information at times specified by user, hence

transmitting status request at constant times ;

a status storage operable to store the status information received from the device

(Graziano discloses that the web-based host can transmit the event immediately or it

can store the data/information and then transmit at a later time; also see paragraph

[0039]);

And a second communication interface operable to transmit the stored status

information on the device to the terminal device through the network in response to a

status request from the terminal device (via Web-based host 70 comprising control

panel program 76 that include multiple applications, so the Web-based host can

communicate with the remote device 10 via network 50; see paragraph [0057], lines 1-

8; Graziano further discloses that a user can use the remote device to initiate a control

command and receive the status information of the device via the web based host 70;

see paragraph [0087]; also see fig. 11).

Graziano discloses that the terminal device controls the home device through a

network However Graziano fails to explicitly disclose acquiring a current address of the

remotely-controlled device at constant time interval.

Nishi discloses a remote control system wherein a remotely controlled device (via

electronic equipment 2; see fig. 1) communicate at predetermine timing (constant

timing) with a remote controller (via remote control server 1; see fig. 1) (see paragraph

[0050]). Nishi discloses that the electronic equipment transmit a State information and a

Request for a command signal toward the remote control server 1 and upon receiving

the state information and request for a command signal the remote control server stores

that information in the electronic equipment database 122 (see fig. 6 and 7; also see

paragraph [0050]). Nishi further discloses that the state information contain different

information about the device. Further it can be seen from fig. 7, remote control server 1

receives the state information from plurality of electronic equipment (device 1, device 2,

device 3 ... device n) and the information is stored according to addresses of each

device (for example device 1). Nishi further discloses that after the state information is

stored, remote control server 1 checks if it needs to transmit any command to the

device which transmitted the state information (see paragraph [0051]). Nishi further

discloses that the remote control server 1, transmit signals to the device at constant

times (see paragraph [0056]). Since the remote control server 1 receives and transmit

signals from and to the device at predetermined timing, it will also receive the current

address of the device on the network, because in order to differentiate the device from

plurality of devices remote control server 1 will need the device's address.

From the teaching of Nishi it would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify the system of Graziano to

include the step of receiving the current address from the remotely controlled device as

taught by Nishi in order to update the memory of remote controller with the latest

information about the remotely controlled electronic equipment.

However the combination of Graziano and Nishi fails to explicitly disclose that the

remote controller associate the current changeable address of the remotely controlled

device with a fixed identification number of the remotely-controlled device that is stored

in the address memory.

Kim discloses a remote control system for home appliance network, wherein a

remote controller (via server 100; see fig. 1) enables a user to control a remotely-

controlled device through a network (via server 100 enabling a user to control home

appliances via a network 200; see fig. 1; also see abstract). (Note: the Examiner would

like to point out that reference of Graziano further discloses that the home attendant can

be incorporated inside the device so device can directly communicate with the Web-

bases host 70 (see paragraph [0048], lines 8-11), so in the reference of Kim it would

have been obvious to incorporate the functionality of home server 300 inside the home

appliance so the home appliance can directly communicate with the server 100. So in

the office action below the terms home server 300 and home appliance are use

interchangeable and they have the same meaning). Kim discloses that the server 100

(remote controller) contains a database 30 (address storage) storing data necessary for

allowing the central portal server 100 to manage and control the home appliances (see

paragraph [0027]). Kim further discloses that the home server 300 periodically (constant

time intervals) transmits an alive message containing a small amount of data for a

predetermined period of time (uninterrupted time interval) to maintain the connection

with the server 100 (see paragraph [0030]). Kim discloses that alive message is a

message in which a varied IP address (current changeable address), a user ID and a

user password are packetized (see paragraph [0031]). Kim discloses that the central

portal server checks which home server/home appliance transmits the alive message

through, e.g., the ID and the password (so the ID and the password functions as a fixed

identification number of the home server/home appliance) (see paragraph [0039]). Kim

discloses that the database 30 stores the user ID, password and the varied IP address

(see paragraph [0028]), hence associating the current changeable address (varied IP address) with a fixed identification number (ID and password).

From the teaching of Kim it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Graziano and Nishi to include the step of associating the current changeable address of the remote controlled device with the fixed identification number so that an existing IP address stored in a database of the central portal server can be updated to a new IP address when the home server, using a new dynamic IP, is connected to the central portal server in order to appropriately connect the central server to home server, so the home server can be adequately managed and remotely controlled by the central server (see paragraph [0008]).

As of claims 12 and 16, Graziano discloses that the first communication interface transmits the status notification request to the device when the status request is received from the terminal device (via web-based host 70 requesting the current temperature upon the user selection from the remote device 10; see paragraph [0080], lines 7-15).

As of claims 13 and 17, Graziano discloses that the device transmits the status information on the device to the first communication controller when the status of the device is changed (via home attendant monitoring the home devices, and upon the occurrence of an event (status change) on home device 40, information is transmitted to the we-based host 70 via network 50; see paragraph [0039]).

As of claims 14 and 18, Graziano discloses that remote-controlled device controlled is operable to detect a status of a subject to be controlled in the remote-controlled device and transmits the detected status to the terminal device in response to the status notification request (via the home attendant 31 monitoring the home device 40, and upon the occurrence of an event on a home device 40, transmitting the information to the web-based host 70 via the network 50, and web-based host transmitting the information to the remote device 10; see paragraph [0039], also see paragraph [0080] Graziano further discloses that a user can use the remote device to initiate a control command and receive the status information of the device via the web based host 70; see paragraph [0087]; also see fig. 11).

As of claims 19 and 20, Nishi discloses that the remotely controlled device (via electronic equipment 2; see fig. 1) communicate at predetermine timing (constant timing) with a remote controller (via remote control server 1; see fig. 1) (see paragraph [0050]).]). Nishi further discloses that the remote control server 1, transmit signals to the device at constant times (see paragraph [0056]). Kim further discloses that the home server 300 periodically (constant time intervals) transmits an alive message containing varied IP address (changeable address; see paragraph [0030]-[0031]). Further with respect to the limitation that the time intervals at which the device sends the address and the time intervals at which first communication interface transmits the request are different, the Examiner would like to point out that unless any two devices transmit simultaneously, the time intervals of their transmission will be different. Further as disclosed above, in the reference of Nishi if the electronic equipment communicate

with the server 1 in the morning, and then the server 1 communicate with the electronic

equipment 2 in the evening, the time interval at which two devices transmit signals to

each other are different.

Response to Arguments

8.   Applicant's arguments with respect to all the claims have been considered but

are moot in view of the new ground(s) of rejection.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to /NABIL H. SYED/ whose telephone number is (571)270-

3028. The examiner can normally be reached on M-F 7:30-5:00 alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Zimmerman can be reached on (571)272-3059. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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                                                        /NABIL H SYED/
                                                        Examiner
                                                        Art Unit 2612

N.S

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612